

Attorney Docket: 01098
U.S. Application No.: 10/743,358 Examiner: Loo Art Unit: 2609
Response to March 13, 2008 Final Office Action

REMARKS

In response to the final Office Action dated March 13, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-16 are pending in this application.

Rejection of Claims Under § 102 (b)

The Office rejected claims 1, 6, 8, and 15-16 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent Application Publication 2002/0097727 to Prakash. A claim, however, is anticipated only if each and every element is found in a single prior art reference. *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P.").

These claims, however, are not anticipated by *Prakash*. These claims recite, or incorporate, many features that are not disclosed or suggested by *Prakash*. Independent claim 1, for example, recites "*logically bonding a first physical medium to a subscriber's premise*" and "*connecting a second physical medium to the subscriber's premise*" (emphasis added). Independent claim 1 also recites "*connecting the second physical medium to another subscriber's premise*" and "*sharing the second physical medium amongst the subscriber's premise and the another subscriber's premise*" (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0004]. For the examiner's convenience, independent claim 1 is reproduced below.

[c01] A method of providing communications services, comprising:

logically bonding a first physical medium to a subscriber's premise;

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connecting a second physical medium to the subscriber's premise;
connecting the second physical medium to another subscriber's premise;
sharing the second physical medium amongst the subscriber's premise and the
another subscriber's premise;
receiving a request for communications service from the subscriber's premise;
when the requested communications service exceeds an available bandwidth of
the first physical medium, then temporarily logically bonding the second physical
medium to the subscriber's premise to provide additional bandwidth, such that first
physical medium and the second physical medium share a session of information;
providing the requested communications service via the logically bonded first
physical medium and the temporarily logically bonded second physical medium; and
when the additional bandwidth is no longer needed, removing the temporary
logical bonding of the second physical medium; and
reverting the second physical medium to its shared configuration, thus allowing
the another subscriber to receive increased bandwidth when required.

Prakash cannot anticipate all these features. *Prakash* discloses a hybrid network that increases bandwidth when necessary. See U.S. Patent Application Publication 2002/0097727 to *Prakash* at [0016]. A transmitting location and a receiving location are connected through two separate networks. See *id.* A stream manager at each location monitors buffer levels to transfer data to the receiving location using the two separate networks. See *id.* at [0017]. In *Prakash*, though, the transmitting location and the receiving location are not a "subscriber's premise," as independent claim 1 recites. As *Prakash* explains, "the receiving center 170 [is] located closer to the end user final destination." See *id.* at [0019] and at FIG. 1C. As FIG. 1C of *Prakash* illustrates, each end user's final destination is not served by the two separate networks. *Prakash*, then, fails to teach or suggest "logically bonding a first physical medium to a subscriber's premise" and "connecting a second physical medium to the subscriber's premise" (emphasis added). *Prakash* also fails to teach or suggest "connecting the second physical medium to another subscriber's premise" and "sharing the second physical medium amongst the subscriber's premise and the another subscriber's premise" (emphasis added). *Prakash*, then, cannot anticipate independent claim 1.

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Independent claims 15 and 16 also recite distinguishing features. Independent claim 15, for example, recites "*temporarily logically bonding a second physical medium to the client communications device, the second physical medium being dynamically shared amongst multiple client communications devices to provide additional bandwidth when required*" and "*when the additional bandwidth is no longer needed, reverting the second physical medium to its shared configuration, thus allowing another customer to receive increased bandwidth when required*" (emphasis added). Independent claim 16 recites similar features. The published application to Prakash fails to teach or suggest any "*dynamically shared*" medium that provides additional bandwidth and that can be reverted to a "*shared configuration*" for use by other customers. Prakash, quite simply, is absolutely silent to any shared configuration. Prakash, then, cannot anticipate independent claims 15 and 16.

Claims 1, 6, 8, and 15-16, then, are not anticipated by Prakash. Independent claims 1, 15, and 16 recite many features that are not taught or suggested by Prakash. The dependent claims incorporate these same features and recite additional features. Claims 1, 6, 8, and 15-16, then, are not anticipated by Prakash, so the Office is respectfully requested to remove the § 102 (b) rejection of these claims.

Rejection of Claims 2-5 & 7 under § 103 (a)

The Office rejected claims 2-5 and 7 under 35 U.S.C. § 103 (a) as being obvious over Prakash in view of U.S. Patent 6,452,923 to Gerszberg, *et al.* These claims, however, depend from independent claim 1 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, Prakash fails to teach or suggest many of the features recited by independent claim 1, and Gerszberg does not cure these deficiencies. Gerszberg discloses a residential gateway that multiplexes digital services onto a coaxial cable, a twisted pair line, or both. See U.S. Patent 6,452,923 to Gerszberg, *et al.* at column 3, lines 8-12. Still, though, the combined teaching of Prakash with Gerszberg fails to teach or suggest "*connecting the second physical medium to another subscriber's premise*" and "*sharing the second physical medium amongst the subscriber's premise and the another subscriber's premise*" (emphasis added). The

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combined teaching of *Prakash* with *Gerszberg* completely fails to teach or suggest this concept. The proposed combination of *Prakash* with *Gerszberg*, then, cannot obviate independent claim 1, from which claims 2-5 and 7 depend. The Office, then, is respectfully requested to remove the § 103 (a) rejection of claims 2-5 and 7.

Rejection of Claims 9-14 under § 103 (a)

The Office rejected claims 9-14 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2004/0062198 to Pedersen, *et al.* in view of *Prakash*. These claims recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Pederson* with *Prakash*. Independent claim 9, for example, recites “*configuring a first twisted pair to provide Digital Subscriber Line service to a subscriber’s premise*” and “*configuring a second twisted pair for shared Digital Subscriber Line service amongst the subscriber’s premise and another subscriber’s premise*” (emphasis added). Independent claim 9 also recites “*when the additional bandwidth is not needed, removing the temporary logical bonding of the second twisted pair*” and “*reverting the second twisted pair to its shared configuration, thus allowing the another subscriber’s premise to receive increased bandwidth when required*” (emphasis added). Support for such features may be found at least in the as-filed application at paragraph [0004]. For the examiner’s convenience, independent claim 9 is reproduced below.

[c09] A method of providing communications services, comprising:

configuring a first twisted pair to provide Digital Subscriber Line service to a subscriber’s premise;
configuring a second twisted pair for shared Digital Subscriber Line service amongst the subscriber’s premise and another subscriber’s premise;
receiving a request for communications service;
transmitting digital subscriber line signals to the subscriber’s premise via the first twisted pair;

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when the requested communications service exceeds an available bandwidth of the first twisted pair, then temporarily logically bonding the second twisted pair to the subscriber's premise to provide additional bandwidth;

providing the requested communications service via the logically bonded first twisted pair and the temporarily logically bonded second twisted pair; and

when the additional bandwidth is not needed, removing the temporary logical bonding of the second twisted pair; and

reverting the second twisted pair to its shared configuration, thus allowing the another subscriber's premise to receive increased bandwidth when required.

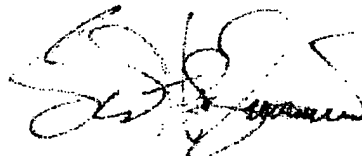
The proposed combination of *Pederson* with *Prakash* does not obviate these features. As the above paragraphs explained, *Prakash* is absolutely silent to this shared configuration, and *Pedersen* does not cure these deficiencies. *Pedersen* discloses a scheme for bonding DSL links into higher-bandwidth logical links. See U.S. Patent Application Publication 2004/0062198 to *Pedersen, et al.* at paragraph [0010]. Again, though, *Pedersen* is absolutely silent to a shared configuration of DSL links. The proposed combination of *Pederson* with *Prakash*, then, fails to teach or suggest “*configuring a first twisted pair to provide Digital Subscriber Line service to a subscriber's premise*” and “*configuring a second twisted pair for shared Digital Subscriber Line service amongst the subscriber's premise and another subscriber's premise*” (emphasis added). Independent claim 9 also recites “*when the additional bandwidth is not needed, removing the temporary logical bonding of the second twisted pair*” and “*reverting the second twisted pair to its shared configuration, thus allowing the another subscriber's premise to receive increased bandwidth when required*” (emphasis added). The proposed combination of *Pederson* with *Prakash*, then, cannot obviate independent claim 9.

Claims 9-14, then, are not obvious over *Pederson* with *Prakash*. Independent claim 9 recites many features that are not taught or suggested by *Pederson* with *Prakash*. The dependent claims incorporate these same features and recite additional features. Claims 9-14, then, are not obvious over *Pederson* with *Prakash*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

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If any issues remain outstanding, the Office is requested to contact the undersigned at
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

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